

REMARKS**Summary of the Office Action**

Claims 1, 2, 4-6, 21, 22, and 24-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Izumi et al. (US 2003/0112400).

Claims 2, 3, 13, 13-20, 23, and 33-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Izumi et al. in view of Harada et al. (US 6,392,725).

Claims 7-12 and 27-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Izumi et al. in view of Ohta et al. (US 6,111,625).

Claims 1-6 and 21-26 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant wishes to thank the Examiner for withdrawing the Requirement dated August 23, 2005 as a result of the arguments presented in the Election filed on September 23, 2005.

Summary of the Response to the Office Action

Applicant amends claims 1-8, 10, 12, 21-27, 30, and 32 to further define the invention, and cancels claims 6 and 26, without prejudice or disclaimer. Accordingly, claims 1-5, 7-25, and 27-40 are pending.

Withdrawal of Requirement

The Requirement dated August 23, 2005, has been withdrawn as a result of the arguments presented in the Election filed on September 23, 2005. The Office Action alleges that “[u]pon reconsideration, election of species between cholestric liquid crystal and

ferroelectric liquid crystal is not required because they are considered clearly unpatentable (obvious) over each other (MPEP 808.01(a)).” Applicant respectfully disagrees.

Applicant respectfully asserts that the allegation made by the Examiner is incorrect and unsupported by the prior art of record, as explained below, and by Applicant’s disclosure. Accordingly, Applicant respectfully asserts that the Examiner clearly has distorted Applicant’s invention, as originally claimed and disclosed, and is relying upon a false assumption with which to examine Applicant’s invention. Specifically, Applicant respectfully asserts that cholestric liquid crystal and ferroelectric liquid crystal “are considered clearly unpatentable (obvious)” to be an incorrect and unproven presumption on behalf of the Examiner.

In addition, Applicant respectfully appreciates the rebuttal to Applicant’s arguments regarding identifying the alleged Species by specific claims. However, Applicant again maintains that, as decreed by MPEP § 806.04(c), “[c]laims are never species.” Accordingly, Applicant respectfully asserts that none of the rebuttal provided by the Examiner countermands the decree set forth by MPEP § 806.04(c).

All Claims Comply With 35 U.S.C. § 112

Claims 1-6 and 21-26 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action alleges that “[c]laims 1 and 21 are not consistent with the specification and the drawings.” In addition, the Office Action alleges that “[c]laims 1 and 21 recite a common electrode 34 and a plurality of data electrodes 33,” and that “...the specification and Figs. 3-4 disclose a plurality of

common electrodes 34 and a data electrode 33.” Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully asserts that the device shown in FIG. 3 is but one of a plurality of devices formed along a common substrate. As is well known in the LCD art, single pixel cells, including the TFT structures, are commonly shown in detail, and that the LCD device includes a plurality of the pixel cells formed on a common substrate. For example, the LCD device of Izumi et al. is shown by a single unit pixel cell, but as is commonly known in the art, the LCD device of Izumi et al. clearly includes a plurality of the unit pixel cells disposed on a common substrate. As another example, the TFT structure of the LCD in FIG. 1 of Ohta et al. is shown as a unit TFT cell, but the LCD device of Ohta et al. clearly includes a plurality of the unit TFT cells disposed on a common substrate. Accordingly, Applicant respectfully asserts that it is well known in the LCD art to merely show details of a single unit structure in order to explain functional and structural features of the entire LCD device.

In order to advance prosecution of Applicant’s present application, and without acquiescing to the Examiner’s position that “[c]laims 1 and 21 are not consistent with the specification and the drawings,” Applicant has amended independent claims 1 and 21 in accordance with the Examiner’s comments. Accordingly, Applicant respectfully asserts that claims 1 and 21 comply with the requirements set forth by 35 U.S.C. § 112, second paragraph. In addition, Applicant respectfully asserts that the combination of features recited by independent claims 1 and 21 are fully supported by the specification and drawings, and do not rise to the level of indefiniteness, as set forth under 35 U.S.C. § 112.

Thus, Applicant respectfully asserts that claims 1 and 21 particularly point out and distinctly claim the subject matter which Applicant regards as the invention, and respectfully requests that the rejection of claims 1 and 21 under 35 U.S.C. § 112, second paragraph, be withdrawn.

All Claims Define Allowable Subject Matter

Claims 1, 2, 4-6, 21, 22, and 24-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Izumi et al. (US 2003/0112400), claims 2, 13-20, 23, and 33-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Izumi et al. in view of Harada et al. (US 6,392,725), and claims 7-12 and 27-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Izumi et al. in view of Ohta et al. (US 6,111,625). Applicants respectfully traverses these rejections on grounds that the applied references, whether taken singly or combined, fail to teach or suggest the combination of features recited by independent claims 1, 7, 13, 21, 27, and 33 and 21, and hence dependent claims 2-6, 8-12, 14-20, 22-26, 28-32, and 34-40.

Initially, with regard to the rejection of claims 13-20 and 33-40 under 35 U.S.C. § 103(a) as being unpatentable over Izumi et al. in view of Harada et al., the Office Action acknowledges that “[t]he only different between the LCD cited in the above rejection of claims 3 and 23 is the stacking of two liquid crystal layers with three substrates.”

Accordingly, the Office Action relies upon Izumi et al. to allegedly disclose “for full color display it was known to stack two or three layered display elements (paragraph 0079).”

Thus, the Office Action concludes that it would have been obvious “to stack two layered display elements with three substrates for obtaining a multicolor display with reduced

thickness and reduced weight, as compared with two layered display elements with four substrates.” Applicant respectfully disagrees.

First, Applicant respectfully asserts that, with regard to independent claims 13 and 33, Izumi et al. and Harada et al., whether taken single or combined, are completely silent with respect to “a second liquid crystal layer having a helical alignment on the second substrate to reflect circularly polarized light at a direction different from that in the first liquid crystal layer,” as required by independent claims 13 and 33. Specifically, Applicant respectfully asserts that Izumi et al. clearly discloses, at paragraph [0079] that:

Particularly a display device can be constituted by one layer of the display element shown in the embodiments, three laminated display elements for selectively reflecting R, G and B (full-color display), or two layered display elements for selectively reflecting with arbitrary wavelength. Further, the internal configurations of the driving circuits and their combination are arbitrary.

Accordingly, Applicant respectfully asserts that the above-cited passage of Izumi et al. relied upon by the Office Action is completely devoid of teaching or suggesting the combination of features recited by independent claim 13 and 33. Specifically, Applicant respectfully points out that Izumi et al., whether or not combined with Harada et al., fails to teach or suggest “a second liquid crystal layer having a helical alignment on the second substrate to reflect circularly polarized light at a direction different from that in the first liquid crystal layer,” as required by independent claims 13 and 33. Thus, Applicant respectfully asserts that the Office Action fails to establish a *prima facie* case of obviousness with regard to at least independent claims 13 and 33, and hence dependent claims 14-20 and 34-40.

Independent claims 1, 7, 21, and 27, as amended, all recite specific features that are also neither taught nor suggested by any of Izumi et al., Harada et al., and Ohta et al., whether taken singly or combined. Specifically, independent claim 1, as amended, recites “a lower substrate *formed of a transparent material*” and “an upper substrate *formed of an opaque material* facing the lower substrate,” (emphasis added). Similarly, independent claim 21, as amended, recites “the upper substrate *is formed of a transparent material* and the lower substrate *is formed of an opaque material*,” (emphasis added). In direct contrast to Applicant’s claimed invention, none of Izumi et al., Harada et al., and Ohta et al., whether taken singly or combined, teach or suggest lower and upper substrates formed of transparent and opaque materials, respectively, as required by at least amended independent claims 1 and 21.

Independent claim 7, as amended, recites “a second liquid crystal layer having a second helical alignment different from the first helical alignment between the lower and middle substrates.” Similarly, independent claim 27, as amended, recites “forming a second liquid crystal layer having a second helical alignment different from the first helical alignment between the middle substrate and one of the upper and lower substrates.” In direct contrast to Applicant’s claimed invention, none of Izumi et al., Harada et al., and Ohta et al., whether taken singly or combined, teach or suggest different helical alignments between substrates, as required by at least amended independent claims 7 and 27.

For at least the above reasons, Applicant respectfully asserts that claims 1-40 are neither taught nor suggested by the applied prior art references, whether taken alone or in combination. Thus, Applicants respectfully assert that the rejections under 35 U.S.C. §§

102(e) and 103(a) should be withdrawn because the above-discussed novel combination of features are neither taught nor suggested by any of the applied references.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Date: April 12, 2006

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